

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

McKENNA DUFFY, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

YARDI SYSTEMS, INC., BRIDGE  
PROPERTY MANAGEMENT, LLC,  
CALIBRATE PROPERTY MANAGEMENT  
LLC, CLEAR PROPERTY MANAGEMENT,  
LLC, DALTON MANAGEMENT, INC., HNN  
ASSOCIATES, LLC, LEFEVER MATTSON,  
MANCO ABBOTT, INC., MORGUARD  
CORPORATION, SUMMIT MANAGEMENT  
SERVICES, INC., CREEKWOOD PROPERTY  
CORPORATION, and LEGACY PARTNERS,  
INC.

Defendants.

Case No. 2:23-cv-01391-RSL

**STIPULATED MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO COMPLAINT AND ORDER**

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiff McKenna Duffy and Defendants Yardi Systems, Inc. (“Yardi”), Bridge Property Management, LLC (“Bridge”), Calibrate Property Management, LLC (“Calibrate”), Dalton Management, Inc. (“Dalton”), LeFever Mattson (“LeFever”), Legacy Partners, Inc. (“Legacy”), HNN Associates, LLC (“HNN”), Manco Abbott, Inc. (“Manco”), and Summit Management Services, Inc. (“Summit”), (collectively, “Stipulating Defendants,”<sup>1</sup> and with Plaintiff, the “Stipulating Parties”), by and through their respective counsel, hereby stipulate as follows:

1. WHEREAS, Plaintiff filed the Class Action Complaint (the “Complaint”) against all Defendants in the above captioned action on September 8, 2023;

2. WHEREAS, Plaintiff served Stipulating Defendants with the Complaint on or around September 14, 15, and 18, 2023;

3. WHEREAS, the Complaint asserts two claims under Section 1 of the Sherman Act based on the alleged use of Yardi’s software for the multifamily leasing market;

4. WHEREAS, Plaintiff voluntarily dismissed their claims, without prejudice, against non-Stipulating Defendants Jones Lang LaSalle Incorporated and Pillar Properties LLC on September 25, 2023 (ECF Nos. 36-37);

5. WHEREAS, Plaintiff and Stipulating Defendants are not aware whether non-Stipulating Defendants Morguard Corporation and Clear Property Management LLC are yet represented by counsel and, in any event, have not yet connected with counsel;

6. WHEREAS, under Federal Rule of Civil Procedure (“Rule”) 12(a)(1)(A)(i), the current deadline to answer, move to dismiss, or otherwise respond to the Complaint is October 5

---

<sup>1</sup> Defendant Creekwood Property Corporation (“Creekwood”) is in the process of engaging local counsel. Creekwood’s attorneys have agreed to abide by this stipulation regarding their answer date and expect to make an appearance as soon as local counsel is engaged.

1 as to Stipulating Defendants Yardi, HNN, LeFever, and Legacy, October 6 as to Stipulating  
2 Defendants Bridge, Dalton, and Summit, and October 9 as to Stipulating Defendants Calibrate  
3 and Manco;

4 7. WHEREAS, under Rule 12(a)(1)(A)(ii), Defendant Creekwood's deadline to  
5 answer, move to dismiss, or otherwise respond to the Complaint is on or around November 20,  
6 2023, because on September 19, 2023, Creekwood waived service;

7 8. WHEREAS, Plaintiff and Stipulating Defendants have conferred telephonically  
8 and by electronic mail, and have agreed that party and judicial efficiency would be best served  
9 by continuing the deadline for all Defendants to answer, move to dismiss, or otherwise respond  
10 to the Complaint to November 17, 2023;

11 9. WHEREAS, continuing all Defendants' deadline to answer, move to dismiss, or  
12 otherwise respond to the Complaint to November 17, 2023, would not prejudice any party  
13 because this case is in its early stages, no substantive filings have been made, and no schedule  
14 has been entered;

15 10. WHEREAS, the Stipulating Parties do not intend via this Stipulated Motion to  
16 shorten any Defendant's time to answer, move to dismiss, or otherwise respond to the  
17 Complaint. To the extent any current or future Defendant has a deadline to respond to the  
18 Complaint under Rule 12(a)(1) that falls after November 17, 2023, those deadlines will remain  
19 the same and such Defendants (if any) may answer, move to dismiss, or respond to the  
20 Complaint consistent with their Rule 12(a)(1) obligations after November 17, 2023; and

21 11. WHEREAS, the Stipulating Parties plan to meet and confer to propose a joint  
22 briefing procedure and schedule for the Court to consider within fourteen days of the entry of the  
23 proposed order, which the Stipulating Parties anticipate will provide for the filing of one  
24

oversized joint motion to dismiss addressing issues and arguments common to all Defendants and undersized motions to dismiss for each Defendant that wishes to make arguments unique to them.

THEREFORE, Plaintiff and Stipulating Defendants STIPULATE AND AGREE that:

The deadline for all Defendants to answer, move to dismiss, or otherwise respond to Plaintiff's Complaint is continued to November 17, 2023. This stipulation shall not shorten any Defendant's time to answer, move to dismiss, or otherwise respond to the Complaint to the extent any current or future Defendant's deadline under the Federal Rules of Civil Procedure to respond to the Complaint falls after November 17, 2023.

The parties will meet and confer to discuss a joint briefing schedule and page limits for any joint and/or individual motions to dismiss that Defendants anticipate filing in connection with the Complaint. The parties will submit their proposed briefing schedule to the Court within 14 days of the entry of the order adopting this stipulation and, to the extent agreement cannot be reached, the parties will identify any outstanding areas of disagreement and each party's position.

STIPULATED to this 3<sup>rd</sup> day of October, 2023.

Dated this 4th day of October, 2023.



Robert S. Lasnik  
United States District Judge

Presented by:

**HAGENS BERMAN SOBOL  
SHAPIRO LLP**

Steve W. Berman (WSBA No. 12536)  
Theodore J Wojcik (WSBA No. 55553)

By: /s/ Steve W. Berman

Stephanie A Verdoia (WSBA No. 58636)

Xiaoyi Fan (WSBA No. 56703)

1301 Second Avenue  
Suite 2000, Seattle, WA 98101  
Telephone: 206-623-7292  
steve@hbsslw.com  
tedw@hbsslw.com  
stephaniev@hbsslw.com  
kellyf@hbsslw.com

Rio S Pierce  
715 Hearst Ave Ste 202  
Berkeley, CA 94710  
Telephone: 510-725-3000  
riop@hbsslw.com

*Attorneys for Plaintiff, MCKENNA DUFFY*

**MATTHEW CARVALHO, ATTORNEY  
AT LAW, PLLC**

By: /s/ Matthew Carvalho  
Matthew Carvalho (WSBA #31201)  
720 Seneca Street  
Seattle, WA 98101  
Telephone: (206) 799-6888  
Email: matt@mattcarvalholaw.com

**DEBEVOISE & PLIMPTON LLP**

Maura K. Monaghan (*pro hac vice  
forthcoming*)  
Michael Schaper (*pro hac vice forthcoming*)  
Kristin D. Kiehn (*pro hac vice forthcoming*)  
66 Hudson Boulevard  
New York, NY 10001  
Telephone: (212) 909-6000  
Email: mkmonaghan@debevoise.com  
Email: mschaper@debevoise.com  
Email: kdkiehn@debevoise.com

Abraham Tabaie (*pro hac vice forthcoming*)  
650 California Street  
San Francisco, CA 94108  
Telephone: (415) 738-5700  
Email: atabaie@debevoise.com

*Attorneys for Defendant, YARDI SYSTEMS,  
INC.*

**BYRNES KELLER CROMWELL LLP**

By: /s/ Jofrey M. McWilliam  
Jofrey M. McWilliam (WSBA No. 28441)  
1000 Second Avenue, 38th Floor  
Seattle, Washington 98104  
Telephone: (206) 622-2000  
Email: jmcwilliam@byrneskeller.com

*Attorneys for Defendant, CALIBRATE  
PROPERTY MANAGEMENT LLC*

**CABLE HUSTON LLP**

By: /s/ Brian S. Epley  
Jon W. Monso (WSBA No. 43912)  
Brian S. Epley (WSBA No. 48412)  
1455 SW Boadway, Suite 1500  
Portland, OR 97201-3412  
Telephone: (503) 224-3092  
Email: jmonson@cablehuston.com  
Email: bepley@cablehuston.com

*Attorneys for Defendant, DALTON  
MANAGEMENT, INC.*

**SHOOK, HARDY & BACON L.L.P.**

By: /s/ Steven Rich  
Steven Rich (WSBA No. 48444)  
701 Fifth Avenue, Suite 6800  
Seattle, Washington 98104  
Telephone: (206) 344.7600  
Email: srich@shb.com

Ryan Sandrock (*pro hac vice forthcoming*)  
555 Mission Street Suite 2300  
San Francisco, California 94105  
Telephone: (415) 544.1900  
Email: rsandrock@shb.com

*Attorneys for Defendant, LEFEVER  
MATTSON*

**CORR DOWNS PLLC**

By: /s/ Jacob M. Downs  
 Jacob M. Downs (WSBA # 37982)  
 100 W. Harrison St., Suite N440  
 Seattle, WA 98119  
 Direct: (206) 962-5041  
 Cell: (206) 683-6266  
 Email: jdowns@corrdowns.com

**ROETZEL & ANDRESS**

Stephen W. Funk (*pro hac vice*  
*forthcoming*)  
 222 South Main Street, Suite 400  
 Akron, OH 44308  
 Telephone: 330.849.6602  
 Cell: 330.819.5387  
 Email: sfunk@ralaw.com

*Attorneys for Defendant, SUMMIT  
 MANAGEMENT SERVICES, INC.*

**HOLLAND & KNIGHT LLP**

By: /s/ Kristin Asai  
 Kristin Asai (WSBA No. #49511)  
 601 SW Second Avenue, Suite 1800  
 Portland, OR 97204  
 Telephone: (503) 243.2300  
 Email: kristin.asai@hklaw.com

Kenneth Racowski  
 1650 Market Street, Suite 3300,  
 Philadelphia, PA 19103  
 Telephone: (215) 252.9580  
 Email: Kenneth.Racowski@hklaw.com

*Attorneys for Defendant, LEGACY  
 PARTNERS, INC.*

**NORTON ROSE FULBRIGHT US LLP**

Michael Swartzendruber  
 2200 Ross Avenue, Suite 3600  
 Dallas, Texas 75201  
 Telephone: 214-855-8067  
 Email:  
 michael.swartzendruber@nortonrosefulbrig  
 ht.com

Eliot Turner  
 1301 McKinney, Suite 5100  
 Houston, TX 77010  
 Telephone: 713-651-5113  
 Email:  
 eliot.turner@nortonrosefulbright.com

*Attorneys for Defendant, CREEKWOOD  
 PROPERTY CORPORATION*

**PERKINS COIE LLP**

By: /s/ David A. Perez

David A. Perez, WSBA No. 43959  
 DPerez@perkinscoie.com  
 Elvira Castillo, WSBA No. 43893  
 ECastillo@perkinscoie.com  
 Tiffany Lee, WSBA No. 51979  
 TiffanyLee@perkinscoie.com  
 Marten King, WSBA No. 57106  
 MKing@perkinscoie.com  
 1201 Third Avenue, Suite 4900  
 Seattle, WA 98101-3099  
 Telephone: 206.359.6767

Adrianna Simonelli, WSBA No. 58472  
 ASimonelli@perkinscoie.com  
 1120 NW Couch Street, Tenth Floor  
 Portland, Oregon 97209-4128  
 Telephone: 503.727.2000  
 Facsimile: 503.727.2222

*Attorneys for Defendant, HNN ASSOCIATES, LLC*

**SPENCER FANE LLP**

By: /s/ Rob Warzel  
 Rob Warzel (WSBA No. 56360)  
 2415 East Camelback Road, Suite 600  
 Phoenix, AZ 85016  
 Telephone: 602-333-5430  
 rwarzel@spencerfane.com

Jessica Nelson (*pro hac vice forthcoming*)  
 Donald Heeman (*pro hac vice forthcoming*)  
 100 South Fifth Street, Suite 2500  
 Minneapolis, MN 55402  
 Telephone : 612-268-7006  
 jnelson@spencerfane.com  
 dheeman@spencerfane.com

*Attorneys for Defendant, MANCO ABBOTT, INC.*

**VAN KAMPEN & CROWE PLLC**

By: /s/ Al Van Kampen  
 Al Van Kampen (WSBA No. 13670)  
 avankampen@vkclaw.com  
 P.O. BOX 33632  
 Seattle, WA 98133  
 Telephone: (206) 441-112

**VINSON & ELKINS LLP**

Michael W. Scarborough (*pro hac vice forthcoming*)  
 Dylan I. Ballard (*pro hac vice forthcoming*)  
 M. Kevin Costello (*pro hac vice forthcoming*)  
 Madison Lo (*pro hac vice forthcoming*)  
 555 Mission Street, Suite 2000  
 San Francisco, CA 94105  
 Telephone: (415) 979-6900  
 Email: mscarborough@velaw.com  
 Email: dballard@velaw.com  
 Email: kcostello@velaw.com  
 Email: mlo@velaw.com

Stephen Medlock (*pro hac vice forthcoming*)  
 Molly McDonald (*pro hac vice forthcoming*)  
 2200 Pennsylvania Avenue NW  
 Suite 500 West  
 Washington, DC 20037  
 Telephone: (202) 639-6500  
 Email: smedlock@velaw.com  
 Email: mmcdonald@velaw.com

Mackenzie Newman (*pro hac vice forthcoming*)  
 1114 Avenue of the Americas  
 32nd Floor  
 New York, NY 10036  
 Telephone: (212) 237-0000  
 Email: mnewman@velaw.com

*Attorneys for Defendant, BRIDGE PROPERTY MANAGEMENT, LLC*